




COMMONWEALTH OF KENTUCKY  
PERSONNEL CABINET  
200 FAIR OAKS LANE  
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FRANKFORT, KENTUCKY 40601

Ernie Fletcher  
Governor

Robert Ramsey, Sr.  
Secretary

To: Cabinet Secretaries, Agency Heads, Personnel Executives,  
Personnel Administrators

  
From: Carl Felix, Executive Director  
Office for Personnel Administration

Date: July 28, 2004

Subject: Fair Labor Standards Act

Recently, the United States Department of Labor revised federal legislation which strengthens overtime protection for employees. While most employees are required to be paid overtime when working greater than forty (40) hours in a work week, the revisions to the regulation address the "white collar" exemptions to this overtime requirement.

In order to achieve compliance by August 23, 2004, the Personnel Cabinet's Office for Personnel Administration is providing an updated FLSA Exempt Test and Form. This test and form will be applied to employees in state government who may be considered Exempt under the new regulation.

As with the current regulation, the new regulation provides that certain employees are not subject to exemptions. In addition, employees must earn \$455 or more per week in order to be eligible for the FLSA Exempt Test. The Personnel Cabinet will send a report that identifies employees who currently earn less than \$455 per week.

The Office for Personnel Administration has provided an updated FLSA Exempt Test and Form on the Personnel Cabinet's homepage at: <http://personnel.ky.gov/>. This website offers the form in an Excel version, which fills in the Form as you apply the test; in a Word version which can be copied for use; and in a PDF format for printing. From the homepage, click on Personnel Information, then scroll to Fair Labor Standards Act.

Fair Labor Standards Act  
July 28, 2004

If your agency has already taken measures to comply with the new regulation, please verify the validity of the test your agency administered against the Personnel Cabinet's test and form. It is each agency's responsibility to comply with the new regulations by the August 23, 2004 effective date. Each agency's appointing authority must provide certification that the FLSA Exempt Test has been applied to exempt employees. A summary of the new regulation is provided on the Personnel Cabinet's website. This summary also contains links to the U.S. Department of Labor's website at <http://www.dol.gov/>, which contains the regulation, fact sheets, and training information.

The Personnel Cabinet will provide information sessions on the new regulations at the training facility at Teton Trail. The dates for these sessions are: August 4, 5, and 6, 2004 at 1:30 p.m. These sessions will offer an opportunity for personnel executives and personnel administrators to view the online training seminar provided by the U.S. Department of Labor. To sign up for a session, please contact Becky Waddle at (502) 573-0318. Additional sessions will be scheduled, if necessary.

Please return the completed FLSA Compliance Certification Form no later than August 20, 2004. If you have questions, please contact Olivia Strickland at 564-6873, extension 4117.

cc: Robert Ramsey, Sr.  
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